

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-20036-KMM-1

UNITED STATES OF AMERICA,
Miami, Florida
Plaintiff(s),
April 25, 2023
vs.

DANIELA RENDON,
Defendant(s). Pages 1 - 28

PLEA HEARING
TRANSCRIBED FROM DIGITAL AUDIO RECORDING
BEFORE THE HONORABLE LAUREN FLEISCHER LOUIS
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PLAINTIFF(S): STEFAN DIAZ ESPINOSA, ESQ.
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Court Reporter
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1 Thereupon,
2 the following proceedings were held:

3 THE DEPUTY CLERK: Calling case No. 23 20036,
4 criminal, Judge Moore. United States v. Daniela Rendon.

5 Counsel, would you please note your appearances for
6 the record.

7 MR. DIAZ ESPINOSA: Good afternoon, your Honor.
8 Stefan Diaz Espinosa on behalf of the United States, standing
9 in for Jonathan Bailyn.

10 THE COURT: Thank you.

11 MR. MANDELL: Good afternoon, your Honor. Robert
12 Mandell on behalf of Daniela Rendon, who is present to my left.

13 THE COURT: OK. It is my understanding, Mr. Mandell,
14 that your client wishes to change her plea today. Is that
15 right?

16 MR. MANDELL: That's correct, your Honor.

17 THE COURT: OK. Let me have her sworn.

18 THE DEPUTY CLERK: Please raise your right hand.

19 Do you solemnly swear or affirm that the testimony you
20 are about to give will be the truth, the whole truth, and
21 nothing but the truth so help you God?

22 THE DEFENDANT: Yes.

23 THE DEPUTY CLERK: Thank you. You can be seated.

24 THE COURT: Mr. Diaz Espinosa, do I have a signed plea
25 agreement?

1 MR. DIAZ ESPINOSA: I'm not certain, your Honor. I do
2 have with me a copy of the plea agreement and the factual
3 basis. I believe those were also emailed to chambers.

4 THE COURT: OK, but I need the one with the
5 defendant's signature.

6 MR. DIAZ ESPINOSA: Mr. Mandell, do you have that?

7 THE COURT: Mr. Mandell, did your client --

8 MR. MANDELL: I can provide my copy.

9 MR. DIAZ ESPINOSA: The original, I think.

10 THE COURT: The copy will be filed with the court of
11 the factual proffer and the plea agreement following the
12 hearing, and I need to go over those with her, if she's, in
13 fact, signed them.

14 MR. MANDELL: Yes, she has signed them.

15 THE COURT: Do you need a copy to have with you there
16 at counsel table as well?

17 MR. MANDELL: We went over it.

18 THE COURT: I prefer her to have it during the plea.

19 MR. MANDELL: I'd prefer as well.

20 THE COURT: I appreciate that you are headed over, but
21 I need the one with the defendant's signature. So that is what
22 I'm looking for.

23 MR. MANDELL: It is interesting, the factual basis I
24 have does not have Mr. Bailyn's signature, just my signature
25 and my client's.

1 MR. DIAZ ESPINOSA: Your Honor, mine has all three.

2 THE COURT: Could I have one with the defendant's
3 signatures, please.

4 MR. DIAZ ESPINOSA: Yes, ma'am.

5 May I approach?

6 THE COURT: Yes.

7 OK. These are copies, but nobody has the originals.

8 MR. DIAZ ESPINOSA: Your Honor, I can inquire of
9 Jonathan Bailyn. He might have them. I'm not certain.

10 MR. MANDELL: Your Honor, we sent the originals into
11 the U.S. Attorney's Office.

12 THE COURT: OK. All right. Sorry. Let me back up.
13 Did I have Ms. Rendon sworn?

14 THE DEPUTY CLERK: Yes, Judge.

15 THE COURT: All right. Do you understand, Ms. Rendon,
16 that you are now under oath and that if you answer any of my
17 questions falsely, your answers may later be used against you
18 in another prosecution for perjury or making a false statement?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: I understand that you're here today
21 because you'd like to change your plea in this case from a plea
22 of not guilty to a plea of guilty.

23 Under the law you cannot change that plea without
24 first getting permission from the court. I have to determine
25 that your decision to plead guilty is a knowing and voluntary

1 decision supported by an independent basis in fact. So I'm
2 going to ask you some questions to make sure that you
3 understand what is happening, you know what your options are,
4 you know what rights you'd be giving up if you plead guilty,
5 and you know what the possible penalties and other consequences
6 will be if you plead guilty. Also, in federal court, you can't
7 plead guilty to something you didn't do. So I need to make
8 sure that there are facts that support your guilty plea.

9 Do you understand these are the purposes of my
10 questioning?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: If at any point you want to speak to your
13 attorney before answering one of my questions, let me know and
14 I'll give you time to do so. Likewise, if I ask you something
15 that you don't understand, will you tell me so I can try to ask
16 it differently or explain it better for you?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. Will you start by just telling
19 me your full name.

20 THE DEFENDANT: Daniela Rendon.

21 THE COURT: And how old are you?

22 THE DEFENDANT: 31 years old.

23 THE COURT: Where were you born?

24 THE DEFENDANT: Colombia.

25 THE COURT: When did you come to the United States?

1 THE DEFENDANT: 2015.

2 THE COURT: OK. Are you a U.S. citizen?

3 THE DEFENDANT: I am a resident.

4 THE COURT: OK. So are you a citizen of Colombia?

5 THE DEFENDANT: That's correct, your Honor.

6 THE COURT: OK. Tell me about your education. How
7 far did you go in school?

8 THE DEFENDANT: High school.

9 THE COURT: Did you finish high school?

10 THE DEFENDANT: I did not, your Honor.

11 THE COURT: OK. What grade did you go to?

12 THE DEFENDANT: Tenth grade, your Honor.

13 THE COURT: OK. Was that in Colombia?

14 THE DEFENDANT: That was here, your Honor.

15 THE COURT: OK. In Miami?

16 THE DEFENDANT: Coral Springs, Florida.

17 THE COURT: OK. Close enough.

18 All right. So did you finish tenth grade?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And then is it safe for me to assume you
21 can read and write?

22 THE DEFENDANT: Yes.

23 THE COURT: OK. Ms. Rendon, have you ever been
24 treated for any type of mental illness or an addiction for any
25 type of narcotic drug?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: And how about now, are you now under the
3 influence of any drugs, alcohol, or other intoxicant that would
4 prevent you from understanding these proceedings?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Have you taken any medicine at all today,
7 even a Tylenol?

8 THE DEFENDANT: No.

9 THE COURT: Do you feel like you're thinking clearly
10 and fully understand what's happening?

11 THE DEFENDANT: Very clear.

12 THE COURT: Based on my observations of Ms. Rendon and
13 her responses to my questions, I find she is alert and
14 competent to proceed.

15 Ms. Rendon, I'm not the judge who is assigned to your
16 overall case, which means I am not the judge who will sentence
17 you if your guilty plea is accepted. That judge is Judge
18 Moore. He's referred this matter to me for today's plea.

19 Because the charges against you are felonies, you have
20 the right to have Judge Moore conduct this change-of-plea
21 hearing. If you want, you can agree to have me conduct the
22 proceeding. I am going to ask you the same questions that
23 Judge Moore would ask you. If I agree that your plea should be
24 accepted, the procedure going forward, including how your
25 sentencing is conducted, will be the same.

1 Did you have a chance to speak to your lawyer about
2 having me conduct the hearing instead of Judge Moore?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Understanding that you have the right to
5 have Judge Moore conduct this hearing, do you agree to have me
6 do it instead?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Mr. Espinosa, on behalf of the government,
9 any objection?

10 MR. DIAZ ESPINOSA: No objection, your Honor.

11 THE COURT: OK. You may also notice I don't have a
12 court reporter in the courtroom and that everything is being
13 transcribed on our DAR or, rather, recorded on our DAR and can
14 be transcribed thereafter.

15 Any objection to me proceeding without a court
16 reporter?

17 MR. DIAZ ESPINOSA: No objection, your Honor.

18 THE COURT: Mr. Mandell, same two questions.

19 MR. MANDELL: No objection, your Honor.

20 THE COURT: OK. I find that Ms. Rendon's decision to
21 have me conduct this hearing is a knowing and voluntary
22 decision.

23 Ms. Rendon, have you received a copy of the indictment
24 that is pending against you, that is, the written charges made
25 against you in this case?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Have you fully discussed those charges and
3 the case in general with your attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: Have you had enough time with him to talk
6 about the case?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you and your lawyer review the
9 discovery materials, that is, the evidence the government says
10 it would prove the case against you if it went to trial?

11 THE DEFENDANT: Yes.

12 THE COURT: Did you and your lawyer discuss whether
13 there were possible defenses to the charges, such as witnesses
14 that you might have called on your behalf?

15 THE DEFENDANT: Yes.

16 THE COURT: Are there any questions about the case
17 that you've asked but your lawyer has not answered to your
18 satisfaction or anything you asked him to do that he has not
19 done for you so far?

20 THE DEFENDANT: There are none. Everything's clear.

21 THE COURT: Are you fully satisfied then with your
22 attorney and the advice and representation that he has given
23 you in this case?

24 THE DEFENDANT: Absolutely.

25 THE COURT: Ms. Rendon, I have received a copy of a

1 seven-page document entitled Plea Agreement. It appears to
2 bear your signature on the last page.

3 Did you in fact sign this plea agreement?

4 THE DEFENDANT: That's correct, your Honor.

5 THE COURT: And I'll just ask, because I only have a
6 copy for defense counsel to confirm. Mr. Mandell, that is your
7 signature above the line?

8 MR. MANDELL: Yes, your Honor.

9 THE COURT: And when you received it, had Mr. Bailyn
10 also signed it?

11 MR. MANDELL: Yes, your Honor.

12 THE COURT: If we don't receive the original, we will
13 just use this copy then for the court file.

14 MR. DIAZ ESPINOSA: Thank you, your Honor.

15 Ms. Rendon, did you have an opportunity to read and
16 discuss each and every paragraph of the plea agreement with
17 your lawyer before you signed it?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Did your lawyer answer any questions that
20 you may have had about the plea agreement?

21 THE DEFENDANT: All of them.

22 THE COURT: Do you believe that you fully understand
23 what is in the plea agreement?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Paragraph 1 of the plea agreement says

1 that you're agreeing to plead guilty to Count One of the
2 indictment, which charges you with the crime of wire fraud, in
3 violation of Title 18, United States Code, Section 1343.

4 All right. Now you said you do have a copy of the
5 plea agreement there to go over with her?

6 MR. MANDELL: Yes, your Honor.

7 THE COURT: The maximum sentence you could receive if
8 you plead guilty to the count is listed at paragraph 4 of your
9 plea agreement.

10 The penalty that may be imposed for Count One is up to
11 20 years' imprisonment, followed by a term of supervised
12 release of up to three years. The court may also impose a fine
13 of up to \$250,000.

14 Mr. Diaz Espinosa, you may not know, but I think the
15 statute also permits a fine of up to twice the intended gain or
16 loss resulting from the offense.

17 Is there any reason why that wouldn't be applicable
18 here?

19 MR. DIAZ ESPINOSA: Not that I understand, your Honor,
20 no.

21 THE COURT: All right. I want to make sure, Ms.
22 Rendon, that you understand the two alternatives that the court
23 could impose with respect to a fine. Your plea agreement says
24 that it is up to \$250,000, but by statute it could,
25 alternatively, be twice the intended or actual loss or gain

1 from the fraud.

2 Do you understand?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: There is also, of course, the possibility
5 of forfeiture, and the court will impose a special assessment
6 or court costs of \$100 per count which is due and you've agreed
7 to pay at the time of sentencing.

8 Also, if you are not a U.S. citizen, the conviction of
9 this offense could be used to remove you from the United
10 States, deny you citizenship within the United States, and deny
11 admission to the United States in the future.

12 Do you understand the possibility of removal?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Supervised release is a period of time
15 after incarceration when you have to comply with the conditions
16 that are set by the court. During that time you will have to
17 report to a probation officer.

18 Do you understand that if you violate the conditions
19 of your release, you could be given additional time in prison?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you also understand that parole has
22 been abolished and that if you are sentenced to prison, you
23 will not be released on parole?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: The court may also order or be required to

1 order under the Mandatory Victims Restitution Act that you make
2 restitution to any victim of the offense.

3 Do you understand the possibility of restitution?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: I want to emphasize two things about the
6 maximum penalties.

7 First, because the maximum sentence is -- I'm sorry,
8 because the possible sentence is more than a year in prison,
9 you would be pleading guilty to a felony.

10 Do you understand that if your plea is accepted, you
11 will be adjudged guilty of a felony and that adjudication may
12 deprive you of valuable civil rights, such as the right to
13 vote, the right to hold public office, the right to serve on a
14 jury, and the right to possess any kind of firearm?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: If you hold any professional licenses in
17 the United States, conviction of a felony could cause you to
18 lose those as well.

19 Second, by pleading guilty you are taking the chance
20 that Judge Moore will sentence you to the maximum penalty. As
21 we sit here today no one knows what the sentence will be, but
22 do you understand that so long as the sentence does not exceed
23 the maximum I just described, you will not be allowed to take
24 back your guilty plea because you are unhappy with the sentence
25 imposed?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Did you and your lawyer have a chance to
3 talk about how the sentencing guidelines work and how they
4 might apply to your case?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Generally speaking, the way the guidelines
7 work are by taking a certain number of points based on the
8 offense conduct and a certain number of points based on your
9 criminal history. We take those points, we apply them to a
10 grid, and it gives an advisory range of months that Judge Moore
11 has to consider.

12 Do you understand this is generally how the guidelines
13 work?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: So if your plea is accepted, the probation
16 office will prepare a presentence investigation report for
17 Judge Moore. Part of that report will be the probation
18 officer's calculation of how the guidelines apply to your case.
19 If you don't agree, you will have a chance to object and have
20 Judge Moore decide who is correct.

21 Paragraph 86 your plea agreement talks about
22 acceptance of responsibility. Under the sentencing guidelines,
23 a defendant can get points off for accepting responsibility and
24 pleading guilty. In this paragraph the government's agreeing
25 to recommend that you get up to three points off.

1 The government is not required to make the
2 recommendation if you fail to make full, accurate, and complete
3 disclosure to the probation office of all circumstances
4 surrounding the relevant offense conduct or if you are found to
5 have misrepresented any facts to the government prior to
6 entering the plea agreement or if you commit any misconduct
7 after entering into the plea agreement. So long as you meet
8 those criteria the government is agreeing to recommend that you
9 get those points off.

10 Judge Moore and Probation are not bound by that
11 recommendation.

12 Do you understand that if Judge Moore does not follow
13 the government's recommendation, that will not be grounds to
14 withdraw your plea?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: The parties have also agreed, at paragraph
17 7 of your plea agreement, to jointly recommend that the court
18 make certain findings and conclusions. Specifically, that the
19 relevant loss amount resulting from your participation in the
20 offense is \$4,400,01 -- I am going to say that again. 4,401 --
21 I will try one more time. \$4,401,290. This recommendation is
22 not binding on Probation or the court.

23 Do you understand that if Judge Moore does not follow
24 the recommendation that will not be grounds to withdraw your
25 plea?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: The sentencing guidelines are only one of
3 several factors that Judge Moore has to consider in deciding on
4 your sentence. After considering all the factors, he may
5 impose a sentence that is within the advisory guideline range,
6 above that range, or below that range. He may impose a
7 sentence that is higher than what you or your lawyer have
8 estimated.

9 What I want to make sure that you understand is that
10 if Judge Moore gives you a sentence that is higher than what
11 you were hoping for, that will not be grounds to withdraw your
12 plea.

13 Do you understand?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: At paragraph 13 of the plea agreement you
16 have agreed to forfeit your interest to any property that was
17 derived from proceeds traceable to the commission of the
18 offense. You have agreed to waive any defense to the
19 forfeiture, including constitutional challenges and applicable
20 time limits, and you have also agreed forfeiture of substitute
21 property.

22 Did you discuss these provisions with your attorney?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you understand the commitment that
25 you're making with respect to forfeiture?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: You've also agreed at paragraph 16 of the
3 agreement to the admissibility of the signed factual proffer in
4 any criminal proceeding if you withdraw from the plea agreement
5 or otherwise breach it.

6 Did you discuss this provision with your attorney?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you understand the right that you'd be
9 giving up to contest the admissibility of the factual proffer
10 in a future criminal proceeding?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Your plea agreement also contains what is
13 called an appeal waiver. If you plead guilty, you cannot
14 appeal the conviction because you are admitting to the guilt,
15 but you could otherwise appeal the sentence that is imposed.

16 What the plea agreement says is that you're agreeing
17 not to appeal the sentence and you would only have an appeal in
18 limited circumstances. For example, if the government files an
19 appeal or if the sentence imposed is the result of an upward
20 departure or upward variance from the guideline range.

21 Did you discuss this appeal waiver with your attorney?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand what you are giving up?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: I find the appeal waiver is a knowing,

1 voluntary, and fully-informed waiver.

2 Ms. Rendon, the final paragraph of your plea agreement
3 says that there are no other promises or agreements other than
4 what is contained in this written document. So let me ask you
5 whether the plea agreement in fact represents in its entirety
6 every agreement that you have with the government.

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Mr. Diaz Espinosa, on behalf of the United
9 States, are there any undisclosed promises or agreements?

10 MR. DIAZ ESPINOSA: No, your Honor.

11 THE COURT: Mr. Mandell, same question.

12 MR. MANDELL: No, your Honor.

13 THE COURT: Ms. Rendon, has anyone made any promise or
14 assurance to you that is not in the plea agreement to persuade
15 you to accept the plea agreement?

16 THE DEFENDANT: No, your Honor.

17 THE COURT: Has anyone threatened you in any way to
18 persuade you to accept the plea agreement?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Are you pleading guilty because you are in
21 fact guilty?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Any good time or early release provisions,
24 if they are applicable to your case, are between you and the
25 Bureau of Prisons; they are not part of your plea agreement.

1 So if the Bureau of Prisons requires that you serve the entire
2 sentence, that is a chance you take by entering the plea, and
3 it won't be grounds to withdraw the plea.

4 Do you understand?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: OK. I want to go over the rights
7 associated with a trial that you would be giving up.

8 Do you understand that you have the right to plead not
9 guilty to any offense charged against you and to persist in
10 that plea?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you understand that you have the right
13 to a trial by jury?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: At trial you would be presumed to be
16 innocent and the government would have to prove your guilt
17 beyond a reasonable doubt. You'd have the right to the
18 assistance of counsel for your defense, appointed if necessary,
19 at trial and at every stage of the proceeding. You'd have the
20 right to confront witnesses, to see and hear them and have them
21 cross-examined in your defense. You'd have the right to compel
22 the attendance of witnesses at trial. You'd have the right to
23 remain silent and decide not to testify. If you decided not to
24 testify or put on any evidence at all, these facts could not be
25 used against you.

1 You'd also have the right to testify at a trial if you
2 chose to do so, and you'd have the right, if convicted, to
3 appeal the conviction and the jury's finding of guilt.

4 Do you understand all of these rights?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: But by pleading guilty, if the court
7 accepts your plea, there will be no trial and you will have
8 given up your right to a trial as well as all the other rights
9 we just discussed.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: You are proposing to plead guilty to the
13 crime of wire fraud. Every crime is made up of elements or
14 parts which the government must prove beyond a reasonable
15 doubt.

16 In this case the elements the government would have to
17 prove are that you knowingly devised or participated in a
18 scheme to defraud someone by using false or fraudulent
19 pretenses, representation or promises, that the false
20 pretenses, representations or promises were about a material
21 fact, that you acted with the intent to defraud, and that you
22 transmitted or caused to be transmitted by wire some
23 communication in interstate commerce to help carry out the
24 scheme to defraud.

25 Do you understand each essential element of the

1 offense?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Do you understand that if the case had
4 gone to trial the government would have to have proven each of
5 those essential elements beyond a reasonable doubt, but when
6 you plead guilty you give up your right to have the government
7 prove each essential element beyond a reasonable doubt?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Also, you're giving up your chance to
10 argue that the government obtained the evidence improperly.
11 You can never now file a motion to suppress the evidence.

12 Do you understand that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: OK. I understand that the parties have
15 entered into a factual basis, and I think I see your signature
16 here on page 2.

17 Did you in fact sign this factual basis?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Before you signed it, did you review each
20 and every paragraph with your attorney?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: OK. Notwithstanding, I am going to ask
23 you to listen to Mr. Diaz Espinosa now as he summarizes the
24 facts that the government says it could prove if the case had
25 gone to trial, because when he is finished, I am going to ask

1 if those facts are accurate.

2 Go ahead.

3 MR. DIAZ ESPINOSA: Your Honor, I'm sorry. I,
4 unfortunately, don't have a copy of the factual proffer. I
5 provided it to you.

6 Do you mind if I come -- may I approach?

7 THE COURT: Yes.

8 MR. DIAZ ESPINOSA: Thanks.

9 May I proceed?

10 THE COURT: Yes.

11 MR. DIAZ ESPINOSA: The defendant owned Daniela
12 Rendon, P.A., a Florida LLC.

13 In the spring of 2020, Rendon, P.A.'s principal place
14 of business was the defendant's apartment in Miami, Florida.

15 On April 4, 2020, the defendant submitted an
16 electronic application for an Economic Injury Disaster Loan on
17 behalf of Rendon, P.A. to the Small Business Administration
18 causing a wire transmission from the Southern District of
19 Florida to outside the State of Florida.

20 The SBA assigned this application number 3302281940.

21 The SBA Intake Form represented that Rendon, P.A. was
22 a real estate developer, that its gross revenue from January
23 31, 2019 until January 31, 2020 were \$91,976,250, and that its
24 cost of goods sold was \$2 million.

25 The defendant knew that these figures were false and

1 that they could cause the SBA to issue an EIDL loan to Rendon,
2 P.A. greater than that to which it was entitled.

3 In fact, the defendant was a sales associate for A3
4 Development, LLC, for which she received biweekly checks of
5 \$2,000 payable to Rendon, P.A.

6 From January 31, 2019 until January 31, 2020, deposits
7 and additions to Rendon, P.A.'s bank account totaled
8 approximately 104,994 U.S. dollars, of which approximately
9 35,835 U.S. dollars were deposited from Rendon's boyfriend or
10 the defendant's boyfriend.

11 On June 14, 2020, the defendant submitted an economic
12 EIDL intake application to the SBA for Rendon Holdings, LLC, a
13 Wyoming LLC.

14 The SBA assigned this application number 3304506233.

15 The SBA Intake Form represented that Rendon Holdings
16 did business as Rendon, P.A., that its gross revenues from
17 January 31, 2019 until January 31, 2020 were \$91,976,250 and
18 its cost of goods sold was \$2 million. In fact, total deposits
19 and additions to Rendon Holdings were approximately \$9,987.74.

20 The SBA denied the applications for Rendon, P.A. and
21 Rendon Holdings.

22 That concludes the factual proffer.

23 May I approach, your Honor?

24 THE COURT: I don't need it back. Thank you so much.

25 I want to ask Ms. Rendon, though, do you understand

1 what the government says it can prove in your case?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: You agree these facts are accurate?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Mr. Mandell, do you take any exception or
6 objection to the facts as summarized?

7 MR. MANDELL: No, your Honor.

8 THE COURT: Do you stipulate that the government's
9 factual recitation contains the essential elements of the
10 offense?

11 MR. MANDELL: Yes, your Honor.

12 THE COURT: Ms. Rendon, have you had enough time now
13 to consider and discuss with your attorney whether you wish to
14 plead guilty to the charge?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Mr. Mandell, is there anything I have
17 omitted to advise your client?

18 MR. MANDELL: No, your Honor.

19 THE COURT: Ms. Rendon, how now do you plead to the
20 charge in Count One of the indictment? Guilty or not guilty?

21 THE DEFENDANT: Yes, your Honor. Guilty.

22 THE COURT: Mr. Mandell, are you satisfied that your
23 client understands the charges and the consequences of her
24 plea?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Mr. Diaz Espinosa, on behalf of the
2 government, is there any reason you're aware of I should not
3 accept Ms. Rendon's plea?

4 MR. DIAZ ESPINOSA: No reason, your Honor.

5 THE COURT: I find the defendant is alert and
6 intelligent, that she is fully competent and capable of
7 entering an informed plea in this case, that the defendant is
8 aware of the nature of the charges and the consequences of the
9 plea and that the plea of guilty is a knowing and voluntary
10 plea supported by an independent basis in fact containing each
11 of the essential elements of the offense.

12 I also find the defendant has freely, voluntarily, and
13 intelligently entered her plea of guilty here today with no
14 promises other than those set forth in the plea agreement and
15 no threats and without any mental impediment of any kind.

16 I further find that the waiver of appellate rights is
17 a knowing and voluntary waiver made after consultation with
18 counsel.

19 In addition, I find the defendant has had the advice
20 and counsel of a competent lawyer, with whom she says she is
21 satisfied.

22 I recommend that Judge Moore accept the plea and that
23 he adjudge the defendant guilty of Count One of the indictment.

24 Ms. Rendon, let me explain what will happen now.

25 A written presentence report will be prepared by the

1 probation office to assist in sentencing. You will be asked to
2 give information for that to the probation officer for that
3 report, and your attorney may be present for that interview if
4 you wish. If you have any specific requests for treatment
5 modalities or place of incarceration, please do it during the
6 PSAI.

7 You and your attorney will have the right to read the
8 presentence report and file any objections to it prior to the
9 sentencing hearing. You and your attorney will have the right
10 to speak on behalf of you at the sentencing hearing. If there
11 are any victims of the offense, the victims will have the
12 opportunity to be heard at the sentencing hearing.

13 I will now refer you to the probation office for the
14 preparation of the presentence investigation report.

15 Counsel, this sentencing will be set by separate
16 order. If either of you anticipate needing more than 30
17 minutes for the sentencing hearing, please let Judge Moore's
18 chambers know so that he can schedule it accordingly.

19 A written report and recommendation will follow
20 recommending that Judge Moore accept your plea of guilty. The
21 parties will have 14 days to file objections. The failure to
22 object will waive your right to challenge on appeal the
23 district court's order based on unobjected-to factual or legal
24 conclusions.

25 Counsel, I think that that is all for Ms. Rendon,

1 unless, Mr. Diaz Espinosa, there is anything else on behalf of
2 the government.

3 MR. DIAZ ESPINOSA: Nothing further, your Honor.

4 THE COURT: No objection to her remaining on bond
5 pending sentencing?

6 MR. DIAZ ESPINOSA: No objection.

7 THE COURT: OK. Mr. Mandell, anything else on behalf
8 of your client?

9 MR. MANDELL: No, your Honor.

10 THE COURT: Ms. Rendon, it is my practice to always
11 caution a defendant who following the change-of-plea hearing
12 remains on bond of two things.

13 The first is that you are still on bond and all of the
14 conditions of your bond are still in place, and the violation
15 of any of those conditions will result in the immediate
16 issuance of a warrant for your arrest, for which there probably
17 won't be another bond on the other side. So please continue to
18 closely adhere to any conditions of the bond that you have been
19 on. They are still in place, and it is important, for example,
20 it is important to attend the sentencing hearing when it is
21 noticed.

22 The other thing, though, that I always tell my
23 defendants is that the same might not be true at the
24 sentencing. In fact, the order setting the sentencing hearing
25 may even include language that cautions you that you should be

1 prepared to be remanded into the marshal's custody at that
2 time. I don't know, but you should prepare yourself between
3 now and then for the possibility that you could be remanded or
4 taken into custody at the time of sentencing. So it is a very
5 good time to get affairs into order and be cognizant of that
6 possibility. OK.

7 THE DEFENDANT: Will do, your Honor.

8 THE COURT: OK. Ms. Rendon, good luck to you.

9 Your next appearance will be in front of Judge Moore.

10 I am going to leave the able-bodied counsel in this
11 courtroom to deal with Ms. Williams about which version of the
12 factual proffer or plea agreement will be uploaded. OK.

13 All right. We are adjourned.

14 MR. DIAZ ESPINOSA: Understood. Thank you, your
15 Honor.

16 MR. MANDELL: Thank you, your Honor.

17 (Adjourned)
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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription to the best of my ability of the digital audio recording in the above-entitled matter.

September 26, 2023

s/ Joanne Mancari
Joanne Mancari, RPR, CRR, CSR
Court Reporter
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